

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GONZALO HERNANDEZ, on behalf of himself and
All other persons similarly situated,
Plaintiff

-against-

ANSWER
11-Civ-1264 (J. Berman)

HABANA ROOM, INC., LEXINGTON
HOTEL, LLC and JOHN DOES #1-10.

Defendants

-----X

Defendant, HABANA ROOM, INC., by their attorneys, Law Offices of Ambrose

Wotorson in their answer to the Complaint, responds as follows:

1. Denied.
2. Denied.
3. Denied
4. Denied
5. Denied
6. Denied
7. Denied
8. Denied
9. Denied
10. Denied
11. Denied
12. Denied
13. Denied
14. Denied
15. Defendants admit that venue may be proper due to plaintiff's allegations.

16. Denied, and defendant notes that Mr. Hernandez is not a proper class representative.
17. Denied
18. Denied
19. Denied
20. Denied
21. Denied
22. Denied
23. Denied
24. Denied, including, and as for, sub-sections "a" - "g".
25. Admit

AS TO PLAINTIFF'S FACTS

26. Denied
27. Denied
28. Denied
29. Denied
30. Denied
31. Denied
32. Denied
33. Denied
34. Denied
35. Denied.
36. Denied.
37. Denied
38. Denied
39. Denied
40. Denied
41. Denied
42. Denied, and defendant notes that plaintiff has previously asserted that defendant did not owe any money to him.
43. Denied
45. Denied.

- 46. Denied.
- 47. Denied.
- 48. Denied
- 49. Denied

AS AND FOR COUNT I

- 50. Denied
- 51. Denied.
- 52. Denied,
- 53. Denied
- 54. Denied
- 55. Denied.

AS AND FOR COUNT II

- 56. Denied
- 57. Denied.
- 58. Denied.
- 59. Denied.
- 60. Denied

AS AND FOR COUNT III

- 61. Denied.
- 62. Denied.
- 63. Denied
- 64. Denied
- 65. Denied

AS AND FOR COUNT IV

- 66. Denied
- 67. Denied
- 68. Denied

69. Denied.

AS AND FOR COUNT V

70. Denied

71. Denied.

72. Denied

73. Denied.

74. Denied.

PRAYER FOR RELIEF

Denies the allegations in the WHEREFORE clause and as for plaintiff's prayer for relief, defendant denies the same, though a response is not required for the same.

AFFIRMATIVE DEFENSES

AS FOR THE FIRST AFFIRMATIVE DEFENSE

The Complaint is barred in whole and/or in part by applicable statutes of limitations.

AS FOR THE SECOND AFFIRMATIVE DEFENSE

The Complaint is barred in whole and/or in part by the doctrine of unclean hands.

AS FOR THE THIRD AFFIRMATIVE DEFENSE

The Complaint fails to state any cause of action for which relief may be granted.

AS FOR THE FOURTH AFFIRMATIVE DEFENSE

The Complaint is barred in whole or in part by the doctrine of laches.

AS FOR THE FIFTH AFFIRMATIVE DEFENSE

The plaintiff, Gonzalo Hernandez, is an inappropriate representative of any putative class.

WHEREFORE, Defendants respectfully request that this Honorable Court dismiss the instant Complaint with costs, disbursements and any other relief that this Court deems appropriate.

Dated: **Brooklyn, New York**
August 2, 2011

Respectfully submitted,
LAW OFFICES OF AMBROSE WOTORSON
By: _____/s/
Ambrose W. Wotorson, Jr.
26 Court Street, Suite 1811
Brooklyn, New York 11242
(718) 797-4861